

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

CHRISTOPHER TODD WHITTON,

Plaintiff,

v.

OFFICER MORTIMER, *et al.*,

Defendants.

Case No. 2:15-cv-01399-APG-PAL

**ORDER ACCEPTING REPORT &  
RECOMMENDATION AND GRANTING  
MOTION TO WITHDRAW MOTION TO  
DISMISS**

(ECF Nos. 10, 19, 22, 23)

On April 28, 2016, Magistrate Judge Leen entered a Report & Recommendation (ECF No. 19) recommending that plaintiff Christopher Todd Whitton's motion for leave to file an amended complaint (ECF No. 10) be denied. Magistrate Judge Leen also recommended that Whitton's claims seeking injunctive or declaratory relief be dismissed and that his claims seeking money damages be stayed pending resolution of the criminal charges against him.

Pursuant to Local Rule IB 3-2(a), any objection to Judge Leen's Report & Recommendation had to be filed within fourteen days. No objection was filed. The failure to file objections within the specified time, and failure to properly address and brief the objectionable issues, waives the right to appeal the order and to appeal factual issues from the order. *Thomas v. Arn*, 474 U.S. 140, 142 (1985); *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); LR IB 3-2(b) (stating the "district judge must conduct a de novo review of those portions of the specified findings or recommendations to which objections have been made"). There being no objection to Judge Leen's Report & Recommendation,

IT IS ORDERED that Judge Leen's Report and Recommendation (ECF No. 19) is **accepted** and plaintiff's motion for leave to file an amended complaint (ECF No. 10) is **DENIED**.

IT IS FURTHER ORDERED that the declaratory and injunctive relief claims in the complaint (ECF No. 1-1) are **DISMISSED**, and the claims for money damages are **STAYED** pending resolution of the criminal charges against the plaintiff.

1 IT IS FURTHER ORDERED that the clerk of the court shall **ADMINISTRATIVELY**  
2 **CLOSE** this case.

3 IT IS FURTHER ORDERED that the plaintiff shall file a motion to reopen this case  
4 within 30 days of the final disposition of his criminal case if he wishes to proceed.

5 IT IS FURTHER ORDERED that the plaintiff's motion to withdraw (**ECF No. 23**) his  
6 motion to dismiss (ECF No. 22) **is GRANTED**.

7 Dated: June 3, 2016.

8   
9 \_\_\_\_\_  
10 ANDREW P. GORDON  
11 UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28